



## BOARD OF HEALTH MEETING

December 8, 2015 – 6:30 PM

Rockport Town Hall Annex

Present: Board members Dr. Sydney Wedmore - Chair, Dr. Russell Sandfield, new member Dr. Bruce Cohen, Health Agent Leslie Whelan, Assistant Town Administrator Mitchell Vieira, and Secretary/Clerk Marianne Peters.

6:30 PM: Meeting called to order.

### Community Concerns:

Brad Atkinson and Lobster Pool current owners request letter from the Board stating that the sellers (responsible party for soil testing) did not originally follow through on mandated soil testing (by the state code, cites 15.260 section of Title 5) to exhaust all possibilities of alternative systems to tight tank (least desirable form of wastewater disposal). Mr. Atkinson stated that the seller did not follow the 'letter of the law' saying that if a system fails, the owner is obligated to do soil testing. Health Agent stated that the request is not unreasonable. The Board agreed with Mr. Atkinson on having an engineer do soil testing in exploration of a viable solution, but stated that if it's self-evident there is no other solution other than tight tank, then the property will be fitted with a tight tank. Mr. Atkinson stated that clarity in a letter from the Board would be helpful in conveying their request to the owners.

The Board agreed that a letter should be written to the seller stating that due diligence in proving the need for a tight tank was not done. Dr. Wedmore stated that due diligence was not totally followed and that based on previous information submitted to the Board of Health, a tight tank was deemed as the only solution; however, there has come before the board the possibility of other alternatives and those alternatives should be explored.

### Review Minutes of October 27, 2015 Meeting:

Dr. Sandfield moved to approve, Dr. Wedmore seconded. Dr. Cohen abstained from voting as he was not present as a board member during the meeting.

### Review Minutes of September 29, 2015 Executive Session:

Dr. Sandfield moved to approve, Dr. Wedmore seconded. Dr. Cohen abstained from voting as he was not present in the session.

## Hearing: Sandy Bay Estates – Housing Orders – Status of Repairs

Health Agent distributed list of outstanding violations and stated that although remediation is taking place, it is not moving quickly and therefore recommends going back to court. With 83 units in the complex, several are in violation of the health code and the living conditions are not resolved after a lengthy time. Dr. Cohen asked Agent if any of the fines and fees have been paid; Health Agent responded that they have not and legal action would be recommended. Dr. Cohen agreed that the owner has not taken the violations, fees, or fines seriously and endorses pressure on them to take action; Drs. Sandfield and Wedmore concurred.

## Trash Barrel Regulations – Food Establishments Offering Take-Out Food/Drink:

The Health Agent recommended rescinding the Trash Barrel Regulations, stating that the regulation is no longer needed because the DPW is removing trash twice daily during the weekends from Memorial Day weekend through Columbus Day. Laura Osmond, Food Inspector, stated that the Beautification Committee and DPW are working on a plan for trash barrel types and locations.

## FDA Grant for Training Staff on the 2013 Federal Food Code:

Health Agent discussed a \$20,000 grant that the Town of Peabody received from the FDA to train Boards of Health from 15 towns for local adoption of the 2013 Federal Food Code. Laura Osmond, Food Inspector said that the State adopted the 1999 Federal Food Code but hasn't kept up with federal code changes which include important issues such as anti-choking techniques, labeling with food allergies, etc. Dr. Cohen agreed that Rockport should stay updated with the Federal Food Code 2013.

## Narcan Availability:

Discussion about the availability of Narcan for emergency personnel and others. Mr. Vieira and Dr. Wedmore stated that the Police Department and the Ambulance Department both have it and have used it successfully. Dr. Wedmore instructed Health Agent to write the Superintendent of Schools to inquire whether the school has plans to have Narcan available. Dr. Cohen asked if the Fire Department should have Narcan; Mr. Vieira responded that the Fire Department does not go out on a call unless it's a lift assist.

## Board of Health Member Stipends:

Continuation of discussion about the Board member stipends. Mr. Vieira stated that the payroll specialist for the Town will be reaching out to the members. Dr. Wedmore inquired if a management fee does get assessed on the stipends; Mr. Vieira responded affirmatively but also stated that an increase of the actual stipend may happen at some point to offset the retirement account management fee.

## Ethics and Harassment Policies:

Health Agent provided the Board with ethics and harassment policies and acknowledgement and sign-off sheets with a due date to Human Resources of 12/31/15. The on-line ethics test by the Commonwealth of Massachusetts was discussed and a link will be forwarded to the members to take the tests, also due by 12/31/15.

#### Agent Update:

Health Agent reported on recent housing and septic inspections. There was discussion about:

- Pumping tight tanks at 6 Poole's Terrace
- vacant parcel on Penzance/Penryn (two lots as one) and approved for septic
- Thatcher Road lot near the Gloucester line that's producing many inquiries

#### Next Meeting Date:

Next meeting to be held on Tuesday, January 26, 2016. Agenda Prep meeting Tuesday, January 19<sup>th</sup>, 2016 @ 8:30 a.m.

8:00 P.M. Meeting Adjourned.